IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

OP.No. 1167 of 1998(L)

PETITIONER:

P.P.KUNHIRAMAN, HEAD CLERK,
AYANCHERI PANCHYAT.

BY ADV. SRI.R.BHASKARAN

RESPONDENTS:
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1. **STATE OF KERALA REPRESENTED BY SECRETARY TO GOVERNMENT, LOCAL ADMINISTRATION, THIRUVANANTHAPURAM.**

2. **THE DIRECTOR OF PANCHAYAT, THIRUVANANTHAPURAM.**

3. **THE DEPUTY DIRECTOR OF PANCHAYAT, KOZHIKODE.**

4. **THE DISTRICT PANCHAYAT OFFICER, KOZHIKODE.**

5. **C.K.ALIKOYA, HEAD CLERK, POZHUTHANA GRAMA PANCHAYAT P.O POZHUTHANA, WAYANAD DT.**

BY ADV. SRI.N.N.DIVAKARAN PILLAI

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP NO.1167/1998

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE CIRCULAR DT.17.3.82.

EXT.P2: TRUE COPY OF THE ORDER CANCELLING THE REVERSION OF HEAD CLERKS TO THE POST OF GRADE I PANCHAYAT ASSISTANT ON THE BASIS OF EXT.P1 EXEMTPION DT.24.10.81.

EXT.P3: TRUE COPY OF THE ORDER OF REVERSION TO C.NARAYANI AND OTHERS 6.12.85.

EXT.P4: TRUE COPY OF THE REPRESENTATION MADE BY THE PETITIONER TO 2ND RESPONDENT DT.12.5.95.

EXT.P5: TRUE COPY OF THE JUDGMENT IN OP 12877/97 DT.28.7.97.

EXT.P6: TRUE COPY OF THE ORDER PASSED BY 2ND RESPONDENT DT.6.11.97.

EXT.P7: TRUE CPY OF THE LETTER FORWARDING AND RECOMMENDING THE PETITIONER'S CASE BY THE SECRETARY OF GRAMA PANCHAYAT DT.12.5.95.

EXT.P8: TRUE COPY OF THE SENIORITY LIST OF HEAD CLERKS DT.1.4.84.

//TRUE COPY//

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.

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O.P. NO. 1167 OF 1998

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Dated this the 4th day of July, 2007

J U D G M E N T

Radhakrishnan, J.

This original petition has been preferred seeking a declaration that Ext.P1 Government order dated 17.3.1983 is against Rule 13A of KS & SSR and hence illegal and also sought for a writ of certiorari to quash Ext.P6 order. The main contention raised by the petitioner is for a writ of mandamus directing the respondents to fix his seniority as on 17/7/83 and also for consequential reliefs. 5th respondent was included in the final seniority list of Head Clerks as on 01.4.1984. The final seniority list is not seen challenged before us or any other forum. Counsel submits that the petitioner has preferred OP 12877/97 seeking for a direction to the respondents to dispose of his representation. This court directed the 2nd respondent to consider his representation and take a decision. Counsel submits that subsequently Ext.P6 order was issued on 6.11.97. It specifically states that petitioner has not challenged two seniority lists.

Therefore the petitioner's claim is highly belated especially when the affected parties are not before us. In the circumstances, we are inclined to dismiss this on the ground of delay. OP is dismissed as above.

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp